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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeremy Klug
Serial No: 09/826,227
Filed: April 4, 2001
For: Material Useful For Preparing Embossed Flexible Graphite Article
Examiner: Wendy L. Boss
Group No. 1775
Attorney's Docket No. P1030
Customer No. 23456

PETITION TO REVIVE APPLICATION PURSUANT TO 37 C.F.R. §1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant and his assignee, Advanced Energy Technology Inc.¹, hereby petition for revival of the above-captioned application pursuant to 37 C.F.R. §1.137(a), and subsequent grant of a patent thereon. Enclosed herewith is:

(a) the reply required to the outstanding notice. More specifically, enclosed is Applicant's payment of the Issue Fee and Publication Fee totaling \$1630, in response to the Notice of Allowance and Fee(s) due, mailed September 8, 2004;

(b) the Petition Fee of \$500 as set forth in 37 C.F.R. §1.17(l); and

(c) a showing that the entire delay in payment of the Issue Fee and Publication Fee from the due date of December 8, 2004 to the present was unavoidable (as explained in more detail hereinbelow).

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¹ Assignee Graftech Inc. changed its name to Advanced Energy Technology Inc. (AET) on December 31, 2002. AET is a subsidiary of GrafTech International Ltd.

It is believed that no Terminal Disclaimer is required under 37 C.F.R. §1.137(d) since the above-captioned application was filed after June 8, 1995.

The Delay Was Unavoidable

As shown in the attached Declaration of James R. Cartiglia, the Notice Of Allowance And Fee(s) Due was mailed September 8, 2004, and was addressed to:

James R. Cartiglia
Graftech Inc.
3102 West End Avenue, Suite 1100
Nashville, TN 37203

In addition, the Notice Of Abandonment for failure to pay the issue and publication fees was mailed to the same address on January 20, 2005. However, as also demonstrated by Mr. Cartiglia, a Change Of Correspondence Address was transmitted to the U.S. Patent and Trademark Office on April 21, 2003, changing the correspondence address for the above-captioned application to:

Paul S. Chirgott
GrafTech International Ltd.
12900 Snow Road
Parma, Ohio 44130

providing both telephone and telefax numbers for Mr. Chirgott (Mr. Chirgott and Ms. Sophia Davis, who signed the certificate of transmittal for the Change Of Correspondence Address, are no longer employed by GrafTech International Ltd.). The use of an incorrect mailing address for the Notice Of Allowance And Fee(s) Due and the Notice Of Abandonment was only recently discovered when Timothy Krogh,

recently named Chief Intellectual Property Counsel for GrafTech International Ltd., conducted a search of “open” files for which there had been no recent activity.

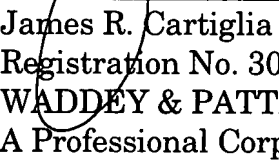
Thus, the U.S. Patent and Trademark Office had notice of a new correspondence address more than 4 months prior to mailing of the Notice Of Allowance And Fee(s) Due and almost 9 months prior to the mailing of the Notice Of Abandonment. Accordingly, since the U.S. Patent and Trademark Office mailed the Notice Of Allowance And Fee(s) Due and the Notice Of Abandonment to an address it had notice was no longer active, the delay in payment of the Issue Fee and Publication Fee was unavoidable.

Consequently, Applicant respectfully requests grant of this petition and acceptance of the Issue Fee and Publication Fee for the above-captioned application, and grant of a patent thereon. Moreover, acceptance of the Issue Fee and Publication Fee set forth on the Notice Of Allowance And Fee(s) Due (rather than the currently applicable fees) is requested, since the failure to timely pay the Issue Fee and Publication Fee was not the fault of the Applicant.

Moreover, an extension of the patent term of the patent being issued from the above-captioned application for the delay in grant of the patent occasioned by the non-payment of the Issue Fee and Publication Fee is also requested, again since the delay was not the fault of the Applicant.

The commissioner is authorized to charge the petition fee of \$500 under 37 C.F.R. §1.17(l), the Issue Fee of \$1330, and the Publication Fee of \$300, as well as any other fees which may be due, to Deposit Account No. 50-1202.

Respectfully submitted,



James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

James R. Cartiglia
Waddey & Patterson
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400



CERTIFICATE OF TRANSMITTAL

I hereby certify that this Petition To Revive Application Pursuant To 37 C.F.R. §1.137(a), Fee(s) Transmittal, and Declaration Of James R. Cartiglia, including Certificate of Transmittal, are being transmitted to the United States Patent and Trademark Office by first class mail, postage prepaid, on July 2, 2007.

James R. Cartiglia

Signature

Registration Number 30,738